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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,807	11/14/2003	Eric Ameres	1087.261	4480
4617 7590 09/03/2009 LEVISOHN, BERGER, LLP 11 BROADWAY, Suite 615 NEW YORK, NY 10004				
EXAMINER				
CZEKAJ, DAVID J				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
09/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,807

Applicant(s)

AMERES ET AL.

Examiner

DAVID CZEKAJ

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49 and 54-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49 and 54-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/22/09 has been entered.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 49, 54-56, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al. (6125144), (hereinafter referred to as "Matsumura") in view of Okumura et al. (6414995), (hereinafter referred to as "Okumura").

Regarding claim 49, Matsumura discloses an apparatus that relates to a picture coding method (Matsumura: column 1, lines 6-10). This apparatus comprises "finding a block from a prior coded frame that best matches that block

to be encoded and calculating a motion vector made from the difference in the row and column between the current and best matching block" (Matsumura: figures 4-8; column 9, lines 15-40; column 11, line 54 – column 12, line 15), "using the motion vector calculated above" (Matsumura: figures 4-8; column 9, lines 15-40; column 11, line 54 – column 12, line 15), and "transmitting a vector from (a) only when it is the choice of coding mode selected" (Matsumura: figures 4-8; column 9, lines 15-40; column 11, line 54 – column 12, line 15). However, this apparatus lacks the algorithm as claimed. Okumura teaches that prior art encoding devices fail to determine an appropriate motion vector (Okumura: column 2, lines 50-55). To help alleviate this problem, Okumura discloses "using an algorithm to select at least one motion vector from a predetermined set of prior coded blocks that are less than n blocks away from the current block" (Okumura: column 4, lines 1-29), "selecting a coding mode from a list comprising not using a motion vector at all and using the vector calculated above" (Okumura: column 4, lines 1-29; column 4, lines 55-67, wherein the no motion vector is the zero motion vector). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Matsumura and add the calculations taught by Okumura in order to obtain an apparatus that better helps determine an appropriate motion vector.

Regarding claim 54, although not disclosed, it would have been obvious to order the vectors according to the distance (Official Notice). Doing so would have been obvious in order to better help sort the vectors.

Regarding claims 55-56, although not disclosed, it would have been obvious to select only vectors that use the same prior coded frame as reference (Official Notice). Doing so would have been obvious in order to provide more consistent results by only using vectors that have the same reference frame.

Regarding claim 58, although not disclosed, it would have been obvious to calculate a compound motion vector through an average (Official Notice). Doing so would have been obvious in order to capture a better representation of the sample by performing an averaging operation.

2. Claims 57 and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al. (6125144), (hereinafter referred to as "Matsumura") in view of Mukerjee et al. (7116831), (hereinafter referred to as "Mukerjee") in further view of Wu et al. (6418166), (hereinafter referred to as "Wu").

Regarding claim 57, note the examiners rejection for claim 1, and in addition, claim 57 differs from claim 1 in that claim 50 further requires differential encoding the block to the left and above. Wu teaches that minimizing the number of bits needed to encode the error signal does not necessarily result in the most efficient coding of the overall block (Wu: column 3, lines 25-32). To help alleviate this problem, Wu discloses "differentially encoding a vector from the vector of the block to the left if that block has a motion vector or the vector of the block above if that block has one but the vector does not and otherwise encodes the vector directly" (Wu: column 8, lines 43-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention

was made to implement the motion vector processing taught by Wu in order to more effectively encode video data.

Regarding claim 59, Wu discloses "coding the row as differential from the vector of the block to the left and the column from the block above" (Wu: column 8, lines 43-59).

Regarding claim 60, Wu discloses "coding the vector between the above or left block if the vectors of the blocks to the left and above are similar" (Wu: figure 7; column 8, lines 43-59).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Czekaj/
Primary Examiner, Art Unit 2621